

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

In re

Lordstown Motors Corp., *et al.*<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

**Re: D.I. 417**

**CERTIFICATION OF COUNSEL CONCERNING ORDER PURSUANT  
TO SECTION 327(e) OF THE BANKRUPTCY CODE AUTHORIZING THE  
EMPLOYMENT AND RETENTION OF WINSTON & STRAWN LLP AS  
DEBTORS' SPECIAL LITIGATION COUNSEL, EFFECTIVE AS OF AUGUST 15, 2023**

The undersigned hereby certifies as follows:

1. On September 12, 2023, the debtors and debtors in possession in the above-captioned cases (collectively, the “**Debtors**”) filed the *Debtors’ Application For An Order Authorizing the Retention and Employment of Winston & Strawn, LLP As Special Litigation Counsel, Effective As Of August 15, 2023* [D.I. 417] (the “**Application**”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3<sup>rd</sup> Floor, Wilmington, Delaware 19801 (the “**Bankruptcy Court**”). Pursuant to the Application, the Debtors are seeking entry of an order authorizing the Debtors to employ and retain Winston & Strawn LLP (“**Winston**”) as special litigation counsel, effective as of August 15, 2023, all as set forth in greater detail in the Application.

2. Pursuant to the *Notice of “Debtors’ Application For An Order Authorizing the Retention and Employment of Winston & Strawn, LLP As Special Litigation Counsel, Effective*

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<sup>1</sup> The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors’ service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

*As Of August 15, 2023" and Hearing Thereon*, filed contemporaneously with the Application, objections or responses to the Application were to be filed and served no later than 4:00 p.m. (Eastern Daylight Time) on September 26, 2023 (the “**Objection Deadline**”<sup>2</sup>). A hearing to consider the relief requested in the Application is currently scheduled to take place before the Bankruptcy Court on October 18, 2023 starting at 10:30 a.m. (Eastern Daylight Time).

3. Prior to the Objection Deadline, each of (i) the Creditors’ Committee; and (ii) the Equity Committee provided informal comments to the Application (together, the “**Informal Responses**”).

4. Other than the Informal Responses, as of the date hereof, the Debtors have not received any other responses or objections in connection with the Application, nor do any objections thereto appear on the Bankruptcy Court’s docket in the Debtors’ chapter 11 cases. To fully resolve the Informal Responses, the Debtors have (i) provided the parties who made the Informal Responses with additional information in connection with the Application, and (ii) prepared a revised form of order (the “**Revised Order**”) in connection with the Application. A copy of the Revised Order is attached hereto as **Exhibit A**. A redline, comparing the Revised Order against the form of order originally filed along with the Application is attached hereto as **Exhibit B**.

5. The Revised Order has been circulated to (i) the Debtors; (ii) the Office of the United States Trustee for the District of Delaware; (iii) counsel to the Creditors’ Committee; (iv) proposed counsel to the Equity Committee; and (v) Winston, and each of the parties to whom the Revised Order was circulated has indicated that it has no objection to the entry of the Revised

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<sup>2</sup> The Debtors agreed to extend the Objection Deadline for the Official Committee of Unsecured Creditors (the **Creditors’ Committee**) and the Official Committee of Equity Security Holders (the **Equity Committee**) only through and including September 29, 2023 at 4:00 p.m. (Eastern Daylight Time).

Order.

6. The Debtors therefore respectfully request that the Bankruptcy Court enter the Revised Order, substantially in the form attached hereto as **Exhibit A**, at its earliest convenience.

Dated: October 2, 2023

Respectfully submitted,

/s/ Jason M. Madron

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